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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 ROSEMARY GARITY,

8 Plaintiff,

9 vs.

10 APWU-AFL-CIO,
11 APWU LOCAL #7156,

12 Defendant.

Case No. 2:11-cv-01109-PMP-CWH

ORDER

13 This matter is before the Court on Plaintiff's Motion to Compel (#89), filed September 7,
14 2012.

15 Plaintiff seeks an order compelling non-parties Al Weyen and Don Buttle to comply with
16 Rule 45 subpoenas. When a non-party subpoena recipient serves objections or fails to respond to a
17 Rule 45 subpoena, the party serving the subpoena may file a motion to compel compliance. The
18 moving party must provide notice of the motion to the person subject to the subpoena. *See* Fed. R.
19 Civ. P. 45(c)(2)(B)(i). There is no indication in Plaintiff's moving papers that notice of this motion
20 was served on the individuals subject to the subpoenas at issues. Accordingly,

21 **IT IS HEREBY ORDERED** that Plaintiff's Plaintiff's Motion to Compel (#89) is **denied**
22 **without prejudice.**

23 DATED this 24th day of October, 2012.

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26 C.W. Hoffman, Jr.
27 United States Magistrate Judge
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